

1888-028
Lee Co.

Chancery Causes: John W. Lambert & vs. Peter Lambert &c

Southern, Young, Blakemore, Glass, Wygal, Ely, Mink

1 Plat

CA-Estate Dispute
T-Property

To the honorable John A Kelly Judge of the
Circuit Court of Lee County Virginia.

Humbly complaining your orators ^{& oratrix} John W Lambert, Peter A Southern & Mariah E Southern his wife formerly Mariah E Lambert, would respectfully show unto your honor, that John W Lambert Sr, the father of your orator John W Lambert & your oratrix Mariah E Southern was in his lifetime seized and possessed of certain real estate, lying and being in the said County of Lee, on the head waters of the Hurricane branch, a tributary of Powell's River, containing 150 Acres, more or less, and being so thereof seized and possessed, some time in the month of last August, departed this life intestate, leaving your orator John W Lambert and your oratrix Mariah E Southern and Peter Lambert, and Dora Southern B. E. Southern, Darius H Southern & Rebecca M Southern children & heirs at law of Catharine Southern ^{deceased} formerly Catharine Lambert, and who departed this life before the said John W Lambert died, and Caldonia Lambert, daughter of Waymond Lambert decd, Julia A Lambert, Nathaniel Southern & Rebecca Southern his wife, formerly Rebecca Lambert, R. B. Lambert, and James Young & Mary Young his wife, former Mary Lambert his heirs at law, and Mary Lambert his widow. That the said Dora Southern, B. E. Southern, Darius

H Southern, Rebecca M Southern & Caladonio
Lambert are infants under the age of twenty one
years, and are nonresidents of this State.

And your Orators & oratrix further state that the
said real estate is, as they believe, susceptible
of partition amongst the parties entitled thereto.

Now the object of this bill is to have dower as-
signed to said Mary Lambert widow of said John
W Lambert decd, and said real estate divided be-
tween the parties aforementioned entitled thereto,
according to their respective interests therein;

that a proper guardian, ad litem, be assigned the
infant defendants, to defend their interests in this
suit; To this end your orators & oratrix make
the said Peter Lambert, David Southern, B. E. South-
-ern, Darius H Southern, Rebecca M Southern, Cal-
-adonio Lambert, Julia A Lambert, Nathaniel Southern
& Rebecca Southern his wife, R. B. Lambert, James
Young & Mary Young his wife and Mary Lambert
the parties defendants thereto and ask that they
be required to answer the same on oath; that
proper process may issue, and that the relief
asked for be granted, and for all other further
and general relief. And your orators & oratrix will
ever pray, &c.

Richmond & Orr. P. 25

C \$10.57 to Jan'y 1888
 S. 4.00
 G. A. L. 5.00
 G. 15.00
 C 1.12
 \$31.05
 Com 35.00
 \$66.05-

John W. Landeert + als.

or Bill in Chy.

Peter Landeert + als.

1887. Feb'y Bill filed & 3rd

Ed on adult Deft & D. N. as

to them A. G. A. filed

ans deft James Spang filed

" March D. N. confd & C.

set for hearing

" Aug. Deere & Court

1887. Nov. Continued

1888 Dec. & Sept Court

" Dec. Deere for

To the Hon. H. S. K. Morrison, Judge of
the Circuit Court of Lee County, Virginia.

The joint answer of James Young,
and Mary Young, his wife, vs, Mary
Lambert to a bill in Chancery filed in
your honors Court against three
respondents and others by John W.
Lambert and others.

The object of the plaintiffs bill
appears to be to have partition of
land therein described among the
heirs of John W. Lambert, Sr.,
deceased.

Your respondents admit that
your female respondent is a
daughter, and heir at Law of the
John W. Lambert, Sr., deceased.
But your respondents object to
a partition of the land being had,
as there is not enough personal
estate to equalize the heirs, the
said John W. Lambert having
made advancements to some of
his children in his life time, and,
having advanced your respondents
nothing.

Your Respondents have
filed this Original Bill in

Yours Honors Court, taking a
Settlement of this question of
advancements, among other
questions, pertinent to the full
and equitable Settlement of
the Estate of John W. Lambert,
Sr., deceased.

Having now answered
as fully as is deemed necessary,
your respondents beg to be heard
dismissed with their costs.

Wm. A. Orr.
for Respondents

Virginia

In County to wit

This answer is duly sworn
to before me by James Young
January 18 1887. J. A. S. Hyatt

James Young & wife
and } Answer

John W. Lambert -
et al

Filed at Libby Rules
1887.

J. A. Hyatt & Co.

Wm. A. Orr, Atty.

To the Hon. John A. Kelly, Judge of the
Circuit Court of Lee County, State of
Virginia: —

The Answer of Dora Southern,
B. E. Southern, Marcus Southern,
Rebecca M. Southern and Caladonia
Lambert, Infants, by Wm. A. Orr
their Guardian ad litem To a Bill
in Chancery filed in Your Honor's
Court by John W. Lambert & others.

The object of this suit is to have
partition of the lands of John W.
Lambert, Esq., deceased between his
heirs at Law.

Your Respondent knows
of no reason why such
partition should not be had
under the supervision of a
Court of Equity.

Respondent prays to be
hence dismissed with his
costs, leaving the interests of his
wards in your Honor's hands.

Wm. A. Orr

Guardian ad litem

Peter Lambert et al

ad. } Ans. Wm. J. Orr
J. Guerin ad. litem

Jud. Ct. Lambert et al
Dillon to and
Filed Nov. 20 1887

J. A. Hyatt et al

John W Lambert

Plff

against

Peter Lambert et als Defts

In chy.

This cause came on again to be heard, upon the papers formerly read in the cause and the report of L. M. Carnicab, H. C. Jaslyn & James ^B Baling filed in the cause March 23rd 1885, ^{plus therewith,} showing their partition of the land in the bill mentioned, and was argued by counsel. On consideration whereof, and said report being now unexcepted to, the exceptions filed thereto having been withdrawn by the exceptors, and said report having been filed the time required by law, It is adjudged, ordered and decreed, that said report, & plat therewith, be confirmed, and that the parties mentioned in said report take and hold ^{each} free from the claim of the others, the lots of land assigned them respectively according to the metes and bounds of the respective lots, as set forth in said report and plat, and that the parties to said partition, ^{except the widow,} pay the Costs of this suit in proportion to their interests in the land partitioned. And it is further ordered that the decree for partition, the report and plat of said Commissioners showing said partition and this decree be furnished by the Clerk of this Court to the Clerk of the County

Court of this County for recordation in the
proper deed book in his office as a muniment
of title. And the cause is stricken from the
docket.

Virginia Lee County Court Clerk's office April 6th 1889
The foregoing partition of the lands of John W.
Lambert Deed was this day filed in this office
together with the foregoing Decrees admitted to
record.

Test John R. Gilbert Clerk

No 3, 4
John W. Lambert

vs } Decree Final.

John W. Lambert & als.

Entered Dec. 7th 1888.

Chas. B. B. 177.

Hyatt & Co

Enter this Decree.

Dec 7th 1888.

W. A. M.

(1)

The depositions of Jas. A. Blakemore, Jacob L. Glass, Isom Ely, Robert Mink, James Wilder and others taken on the 23rd day of August 1888, at the Clerk's office of the circuit Court for Lee County, which are intended to be read as evidence in support of the Exceptions ^{by James N. Youngs Atty.} taken to the Commissioners report of the partition of land in the Chancery Cause of John W. Lambert vs Peter Lambert &c now pending in said Court.

Present - Plaintiff and his attorney and Defts Attorney...

Jas. A. Blakemore, a witness of lawful age being duly sworn deposes and says.

Ques. 1 By, Jas. N. Youngs Atty,
Are you acquainted with the lands owned by the late Jas W Lambert Decd?

Ans. - I am -

Just 2nd By Same

Do you know, or have you been shown the lands as ^{they} was partitioned by the Commissioners appointed in said Chancery suit of J. W. Lambert.

U.S. Peter Lambert & others?

Ans. Yes sir.

Just 3^d By Sam

Do you consider that the partition of said lands as they now are, to be a fair and Equal one, so far as relates to Mary Young, wife of J. N. Young?

Ans. I can't say that it is, according to my views of it.

Just 4th By Sam

Is said tract of land well timbered? Has it plenty of water on it or flowing through it for horse hold & stock uses?

Ans. The entire Lambert tract of land is tolerably well timbered, and has 2 or 3 good springs on it, the principal one runs nearly through said farm, ^{half way or over} which I consider as a whole waters the farm very well.

Just 5 By Sam

Do you know the lot of land assigned Mary Young? If so has it either water or timber on it?

Ans. I do know the lot of land assigned Mary Young, I don't think it has

water or timber on it
either ~~yes~~ - I don't think there
is but one tree on it and it is
a locust, there may be a few
bushes on it.

Ques^t By same =
Has other shares ^{of said lands} timber and
water on it = sufficient for fam-
ily stock & fencing purposes?

Ans Some of them have and some
have not.

Ques^t By same -
Has said young share any
outlet to the road?

Ans It has not.

Ques^t By same
Considering said tract - of land
to contain 150 acres of land water
& timber as it is, do you not
consider that May young has been
greatly handicapped by giving to her
only 8th parts of said land as
an equal, ~~share~~ ^{share} it contain-
ing neither water or timber?
If so what damage =

Ans. The way her share is assigned
her - I consider her damaged
considerably.

Ques^t By same, What is May young's

Share worth to her as it now is?
Ans I don't think it is worth anything
because, the damage sustained
in getting a road to it would
be worth more than the land

Just By Sam

What is the value of the shares
assigned Van Hymus & J. W. Lambert &
Julia A. Sheets ^{which} containing 8th 26 & 26

Ans I consider Van. Hymus, worth \$175.00
No 2
J. W. Lambert, 300\$ and Julia A.
Sheets No 8, 250\$.

+ Examined by Counsel for the other heirs.
Ques— When were you on the John W Lambert farm
and how often have you been over said farm?

Ans. I was on it weeks before last, I
have been on and over it all along
during my life— I live near by said
land, I have noticed it some more
since the death of Mr Lambert;
than before.

Ques Please state what lots or shares have timber
& water, or either?

Ans Three share on the Ridge have timber
plenty on them, the balance have
no timber to amount to anything
Blounts has a little, No 8 has

water, I think the other spring is on the dower.

Question Has lot No 4 any timber or water?

Ans. It has not, except some thickets of bushes about like Young's.

Question What kind of land is No 4 Its quality &c?

Ans. I consider 4 Acres of it good land but it is principally hill side land the other part of it is rough & rocky land.

Question What kind of land is No 3?

Ans. It lies on the top of a ridge which is sharp, and on both sides, said land is steep so apt to be washed off except a little patch near the old barn.

Question What kind of land is Nos 1 + 2?

Ans. Lot No 1 is a fair piece of land, one small scalded place in it; No 2 is tolerably good land, some washed in it.

Question What shares or lots have access, or an outlet, to the public road?

Ans. I cannot tell you exactly, I think about two shares, Nos. 6 & possibly one other one comes down to the highway by Mr Charles's, and Lots No 9, 8 & 7 borders on a road leading along

the bridge, but neither of the roads are public roads, No 1, 2, 3 & 4 do not border on any road

Question How many acres of said tract outside of the widow's dower and what is it worth per acre?

Ans - From the Court report there seems to be 139 acres besides the dower, and I consider it worth 10¢ per acre on an average some of it is worthless and some of it is worth something.

Question What is the reversion in the dower worth?

Ans - I consider it reasonably worth subject to dower rights 300¢ or 400¢.

Question Please state what you consider each lot or share worth?

Ans I consider No 1 worth 120¢, No 2 120¢, No 3 40¢, No 4 175¢ No 5 175¢ No 6 175¢ No 7 225¢ No 8 225¢ No 9 275 or 300¢.

Very anxious By Plaintiff's counsel -
State your reasons for valuing shares in 7, 8 & 9 so much higher than that of No 3 =

Ans Because they have an outlet, timber more land and can get to water.

Qmt By same

Do you believe said tract of land susceptible of a more fair and equal division, all things considered?

Ans I do.

wit claim And further this witness saith not
50¢ J. H. Blakemore

J. L. Glass an other witness of lawful age
after being first sworn deposes & says -
Ques 1st By Plffs Council

Are you acquainted with the lands
of J. M. Lambert Decd, & how long
have you known them, and have you
recently had occasion to go on said
lands and examine them?

Ans I am acquainted with said
lands, have known them for
the past 7 or 8 years, I have
been on and over said lands
last week.

Ques By Same -

do you know the lots of land as
assigned to the heirs at law of J. M.
Lambert?

Ans. I think I do.

Do you consider the ^{Division of said} land ~~considered~~
ing, quality, quantity, timber water
and all thing considered an equal &
fair one?

Ans I do not.

Ques By Same -

Why not?

Ans. Because some have timber out
let, water and better land, I
consider the timber land better
than the cleared land, while
others have neither timber nor
water. such is the case with
Lots No 1, 3.

Just By Same

What is the value of Lot No 3,
assigned to Mary Young?

Ans. I don't consider it worth over
30¢. I have expressed myself
that it has no value. in
my estimate it would cost
more to get a road to it, than
it is worth.

Just By Same

Is said Lot not so laid off
as to make it almost impos-
sible for Mrs Young to get rails
to fence said lands?

Ans. It is unless passing over the
other shares.

Just By Same

What kind of Soil is No 3?

Ans. It is clay, lime stone and
soapstone.

Just By Same, Is said Soil productive,

Ans ^{about 1 acre} Part of it, will bring tolerably good ~~price~~ and part of it will bring nothing

Just By Sam

What is the value of Lot Nos 7, 8, & 9, compared with No 3.

Ans I had rather have either one of them than Lot No 3, Lot No 9 by 150\$ No 8 by 150\$ and Lot No 7 by 125\$

Just By Sam

Is Said Land so located as to ~~be~~ admit of a more fair & equal Divid all things considered.

Ans I think it is.

Just By Sam

Has lot no 3 any water?

Ans It has not.

Just How do you value the 3 Shares on the Ridge as compared with the rest of said farm?

Ans I had rather have the 3 Shares on the Ridge than all the balance of the farm aside from the corner

Just By Sam

Would it be possible to ~~by~~ assign to ~~Manly~~ her interest in the Doves so it would adjoin lot No 3.

Ans It would not.

Must By Law

Say Many young should be assigned an equal share in the Dower with the other heirs, separate as it would be worth it - be worth any thing to her, she having no timber of her own?

Ans I suppose it would be worth something, but little. unless it could be sold for something, it would cost more to fence it than it is worth.

Examiners.

Question. What do you consider the entire land partitioned worth?

Ans I consider the land aside from the dower as being worth about 1500^{off}.

Question What do you consider lot 101 worth?

Ans I value it at 125^{ff}

Question Has it timber, or water or outlet?

Ans It has not, no

Question What is no 2 worth?

Ans I put it at about the same 125^{ff}, it has a spring, but no timber nor outlet.

Question What is no 4 worth? and has it timber, water or outlet?

Ans I consider No 4 worth 125⁰⁰. it has some little timber and spring which runs part of the year, as I am informed, this lot adjoins Mr. Hyman's other lands, but the lot itself does not reach the road.

Three Is not Lots No 1, 2, & 4 as well as No 3, cut off from the owner by No 5?

Ans They are except No 1 which corner on the owner

Question. Would not No 1, 2, & 4 be about as difficult to fence as No 3?

Ans. Lots No 1 & 4 have now each a fence on one side, and would in their present condition be easier fenced, lot No 2 has more rail on it than No 3. Said lot No 3 being on the back bone of a ridge and it being difficult to get rails to it. - as to future fencing within themselves I consider all the 4 lots about equal, except No 4 which ^{has} some more timber.

Just By J. L. Glass
Which ^{shape} as you consider of the least valuable -

Ans Mary Youngs Lot.
And further this witness saith not
50⁰⁰ * J. L. Glass.

N. Myers another witness of lawful
age being duly sworn deposes and
says

Ques By Plaintiffs Counsel -

Are you acquainted with the
lands owned by Jas W Lambert
Reed & how long have you known
them, and have you recently been
on said lands and examined the
land as partitioned by the Court
in said case.

Ans I am acquainted with said land
and have known them for the
past 30 years. I have lately
been on said lands and have
had the lines as partitioned
between the parties pointed out
to me, by James A. Young.

Ques By Same

Quantity, quality, timber, &
water facilities, all considered, do
you consider the partition as made
a fair & equal one?

Ans I do not.

Ques Do you know where Lot No 3
is located, has it - either water -
timber or any out let to a road -

Ans - I do know where said lot lies, from an

examination of the plat, also from the information given me by said James N. Young, it has no timber, water nor outlet to any road,

Just By Same

Is said track of Land well watered and timbered?

Ans I consider it well watered, and taken as a whole I consider it not well timbered because the timber is mostly on the south side of said farm,

Just By Same

Is there not sufficient timber on said farm, to support it?

Ans There is.

Just By Same

Then in the partition of said lands had the Commissioners given to each & every share a portion of timber lands could not each share have supported itself?

Ans Yes Sir I would think so.

Just By Same -

Which do you consider the most valuable share in said Partition?

Ans Lot No 3.

Just By Same Is No 7, 8 & 9 well watered &

timbered?

Ans They are.

Must By Same,

which is most valuable lands lots
No 7, 8, & 9 - or No 3?

Ans Lots No 7, 8, & 9 -

Must By Same Then taking it by the
Carrs Report, giving to Mrs Young
on the North side of the farm 8²
acres - lots No 7, 32 acres, No 8
26 - No 9 26, how much
would you consider Mrs Young
damaged by said partition
all thing considered -

Ans Considering every thing I don't
consider her share worth
over 25 or 30 dollars, and
I consider lots No 7, 8 & 9 worth
not less than 260\$ each. the
reason I value No 3 so low is
because it is steep, hemmed up
and no way getting to it, it would
cost more to get an outlet to it
than I consider the land worth
under its present condition, and
it being very poor land, except a
small amount which is very rough

Must By Same So not said lands 20

located as to be susceptible of
a more fair and equal division
all things considered?

Ans. I think it is.

+ Examined

Question. - Please state what lots or shares, if
any, have an outlet to a public road?

Ans. Lots No 6 borders on a bridle way
leading by Mr N. Charles's, on which
are gates, Lot No 7, 8 & 9 borders on
a passway leading across the
Ridge, these ways are not kept
up by order of Court with list
of hands, but only ways used
by persons living in the neigh-
borhood, Lots No 1, 2 & 4 have
no outlet within themselves
but lot No 4 has an outlet through
its present owners land, to the
witness bridle way above referred to,
50^c And further this witness saith not
Newton Hygas

Met pursuant to adjournment
on the 28th Aug. 1888, at Clerk's office
of circuit court.

Present Peff, Defts & their attorneys

Just Joseph A. Blakemore and other
at By witnesses before & soya
Plffs Commis.

I am well acquainted with the
lands owned by J. W. Lambert
at the time of his death, and have
known them ever since I was
a boy, and I am now 41 years
old. I have been over said lands
lately and examined them as
partitioned among his heirs -
and from my observation, as the
lots was shown to me, I do not
consider the partition a fair or
equal one, said farm is well
watered and timbered on the
South side, my judgment is
that lots No 7, 8, & 9 are worth 10¢
per acre, and that lot No 3 is
so situated that in my judgment
it has no value, because to get
to it one would have to force
a road to it, through other parties
lands, and it is also that has no
water or timber and not
adjoining the down, I think the
entire tract could be partitioned
in such a way that all the lots
could have water and timber.

17

and thereby made more fair and equal among the parties, the only way of getting a road way to lot No 3, would be to begin at the S E corner of said farm thence along the ~~Eastern~~ ^{Western} line of J. W. M. Ely's land, to James Bolins land, thence through the densen and Lot No 5,

Examined.

Question Is there in fact any public road passing through said farm?

Ans There is no public road passing through said farm -

Question How would ^{you} get a public road to lot 1 + 2?

Ans. By forcing through and the route given for getting to lot No 3. on some other way.

Next by Plaintiff

Don't there a road or bridle path leading through said farm?

Ans There is a bridle path, with gates on it, which is only passed by consent of the owners of adjacent lands.

Next by Dever

Which is the most valuable land not considering water or timber

last No 3, containing 8² acres
or last No 7-8-09, containing 26
- 26 - + 32²

Ans I believe lots No 7, 8 + 9 would
be ~~the~~ worth the most if it was
cleared of timber and the water
removed -

+ Examined

Question What would it be worth per acre to clear
lots No 7, 8 + 9?

Ans - About \$5 per acre.

Question Is there not water near to lot No 3, the use
of which might be obtained, or as reasonably
expected, as the use of water near to, but
not on, lots No 7, 8 + 9, if there was none
on said lots?

Ans I think there is

And further this witness saith not
wit claim Joseph ^{plus} ~~at~~ Blakemore
\$7.00 mark

Latham Ely an other witness of
Lawful age after being duly sworn
deposes & says.

Ques By Plaintiff

Are you acquainted with the
lands of Mrs M Lachut recd -
How long have you known it -
and have you been or are said

lands since it was partitioned and here shown the boundaries of said lands?

Ans. I am not very well acquainted with said land I have been on and over it some but not over all of it, I have known it 8 or 9 years; I have been over it since it was partitioned.

Just By Same.

Do you believe said tract of land ^{as} partitioned among the heirs to be a fair & equal one?

Ans. I don't think it is.

Just By Same.

Has said lands plenty of water & timber on it?

Ans. It has taking it all together.

Just By Same.

Has lot no 3 any water or timber, or art, lot to a road?

Ans. I has not.

Just By Same.

What is the comparison value of Lot no 3 containing 8¹/₂ acres & lots no 7, 8, & 9, containing 26-26 & 32 acres?

Ans Lots No 7, 8, + 9 are the most valuable, they are worth at least 10¢ per acre and Lot No 3 is not worth over \$2.50 per acre. I would not want it at any price, it is worn out and rough.

Genl Return -

Has lots No 7, 8, + 9 plenty of water?
Has lot No 3 any?

Ans. Lot No 3 has neither Lots No 7
has no water but timber and Lots
No 7 + 8 have both timber + water.

+ Examined

Question How far you live from the Lambert farm?

Ans. I now live about 2 miles and have not lived over 3 miles from said farm for the past 8 or 9 years.

Question Have you observed the crops raised on said farm, and on the different parts thereof, so as to form a correct idea as to the comparative value of the different lots on said farm?

Ans. I have not.

Question Have you had any experience trading in land, in that community, or have

Q11

you observed the prices in selling of the different quantities of land in that neighborhood?

Ans I have not.

Reexamined

Just By Lance

You are a farmer and work the lands in that neighborhood and know what is a productive soil?

Ans I am a farmer, and have worked lands in that neighborhood and know productive soil, but I do not own any land of my own.

Witnessed further this witness doth not.
\$1.00
Isom ^{this} Ely
mark

Robt Mink another witness deposes and says

Just Do you know the lands of Jns M-
Lambert Decd, how long have you
known it, etc

Ans Tolerably well, I have known said
lands 8 or 10 years. I have been
over said farm twice since it was
partitioned among the heirs, taking
the farm all to gether it has
plenty of timber & water but it
is situated on the South side of

said farm - I do not consider
the lands as partitioned to be
a fair and equal one -
Lot No 3 has neither water
timber or outlet to a road, and
I consider it not worth more
than 3¢ per acre, Lots No 7 & 8
& 9 have water timber and
is worth about 10¢ per acre,
Lot No 3 is so situated as
not to admit of any interest
Mary Young May Figgins
in the donor being laid
off adjoining her Lot No 3.
I think the farm could be
partitioned in a manner to
give the heirs a fairer and
more equal divide.

+ Examined.

Question How far do you live from the Lambert
farm and how long have you lived there.

Ans About 2 miles and have lived
that close for the past 10 years.

Question Have you had any experience buying or
selling real estate?

Ans I have not, nor do I own
any land.

Question How old are you?

Ans I am 23 years old, will be 24
next October.

Question Is No 3 all the lot that has no water nor
timber on it?

Ans It is not, Lots 4 & 2 have no water
nor timber and No 1 has water
^{I suppose} but no timber that I know
of.

with claim And further this deponent saith not
\$100 Robert ^{his} Myrick

J. N. Young

as $\frac{1}{2}$ Depo

J. N. Lambert

(1) The deposition of Thos. J. Ely, and
others Taken pursu-
ant to an agreement between
the parties, at the Clerk's office
of the Circuit Court for Lee County
on the 29th day of August 1888, which
are intended to be read as evidence
on behalf of John W. Lambert et al
on exceptions made by James N.
Young & wife to the Commissioners
report of partition of land filed
in the Cause of said Lambert et al
vs Peter Lambert et al -

Thos J. Ely a witness of lawful
age being duly sworn says.

Question 1 - By J. W. Lambert's atty.

Please state where you live, your acquai-
ntance with the land owned by John W.
Lambert, deed & your opportunities for
being acquainted with said land, and
whether or not you have been on said
land since it was partitioned, and
whether or not you consider said parti-
tion fair and equal &c.

Ans. I reside within 1½ miles of said
farm, I am tolerably well acquaint-
ed with said farm, & own land
adjoining said farm, I have been

on said farm frequently since it was partitioned, I have been logging considerably on said land. From my observation, I cannot see but what it is a fair and equal partition. J. W. Lambert who was assigned No. 9, has proposed several times to sell me his share - he priced to me at 130 or 135\$ - I offered him 115\$ his share adjoining my lands I considered the 115\$ a fair price for it - he had before building a cabin house on it, (which was done after partition was made) offered his share to me for 100\$.

Nos. 7, 8 & 9 are on the Ridge and is in timber ^{except a worn out field} its quality is poor sandy and puffy, Chestnut land. No. 6 is also poor land except about 2 acres which is reasonably good land. Nos. 1, 2, 3 & 4 are all about the same quality of land No. 1 a shade better than the others, the soil is of good heavy quality, with some lime stone rocks on it. -

I consider the lots on the
Ridge, ^{no 7, 8 & 9} as not worth over 3¢ or
4¢ per acre. Lot No 3 is
reasonably worth 10¢ per acre

Y Examined by Youngs Council
Quest, 1st Is there any water on the J W
Lambert farm?

Ans Yes. 1

Quest By Same

Please state on which shares
the water is?

Ans There is ^{spring} water on No. 8, 45, and No 6
& 7 have a branch running through
them

Quest By Same What kind of timber is on
nos 7, 8, & 9?

Ans. Chestnut, Oak, poplar, some Hickory
and plenty of dog woods &c &c

Quest By Same

Please state how much water
and timber there is on ~~3~~ 3?

Ans None except some bushes.

Quest By Same

Has J W Lambert a young wife
any land adjoining lot no 3 or any
where else that they could get
water for any purpose, or wood
for fire and fencing purposes?

Ans None that I know of.

Just By Law.

Is There any road or outlet from
said lot?

Ans There is not, nor is there any
outlet to any of the lots except
a bridle way leading out by
Mr. Charles, I now by permission
use said way in hauling out
logs from Nos 7, 8 & 9. which are
poplar logs. I made this road by
consent of land owners since
the land was partitioned

Just By Law

Mr Edg you say you value lots 7, 8, & 9
at \$10 per acre, containing each 26-26032
acres, making their value \$104,812.80
while you value your young & wives
share at \$10 per acre, which contains
8² acres, making its value \$80, now
can you say that in your
opinion the partition is a fair
and equal ^{one as} among heirs entitled
to equal parts?

Ans I think it is so far as it can
be made

Just By Law. Do you value the

(5) convenience of timber and water on a very small piece of land as worth anything?

Ans Yes.

Just By Same. Please tell me how Mr Young is to get fire wood & rails to his lot?

Ans. I cannot state - should they all agree to make line fences I believe there is ^{nearly} enough old rails on his lot to make his half of the fences.

Just By Same

Should the coterminees land across object to a partnership fence could young then fence his lot, or even when forced by the old rails has he any means to buy and replace the fencing?

Ans. Should they object he has not enough rails on his share to fence it - I cannot say as to Mr Youngs ability to pay for, ^{or} make fences, he is regarded as a poor man.

Just By Same.

Is lot no 3 so laid off as to admit of May Youngs

Interest in her Mother's Dower
to be assigned her adjoining
her lot no 3, or would not she have
to take a separate lot and separated
from it, by share no 5,

Ans - She could not have her interest
in the dower laid off adjoining
her lot no 3, nor could Lots no
1, 2 & 4,

Just By Same

Now would it not be a better divi-
sion of said land, If lot no 5 had
been assigned at some other place
and allow each lot to adjoin the
Dower and thus avoid ^{young & other} fencing
their respective Interest of 3, 4, or 5-
acres off as ^a separate parcel of land, &
would it not be considerable
Damage to those who had to buy
fencing timber & fire wood?

Ans I cannot see for my life how
it could be divided better
than it is.

Just By Same

If this be all the land owned
by young & wife, and they too
poss to buy other Interest in said
land - does not the condition

of Lot No 3, and its relation to
their small interests in the same.
Could there be sold said share
or be wholly dependent on the
wishes of others for wood, water
and a passway?

Ans - I suppose it would, he would
only be in ^{the} condition I was
in in hauling out my timber.
I only got a way out by per-
mission of others - my Father
owns adjoining land which is
in just the condition of Youngs
lot of land, as well as all
others owning land in that
immediate section.

Just By Same

Hasnt your father ^{got} water & timber
for all purposes?

Ans He has plenty.

Just By Same

If said commissioners in dividing
said land gave to some of the his
water for all purposes, to others water
rights, and to Young & wife neither
then as you have said the ~~Land~~ are
of equal value, is Young & wife not
damaged to some extent in said
partition?

Ans I bought off of No. 7. 25\$ worth
But I gave 5\$ more than it
was really worth, as I had
~~over it from~~ ~~a road to~~ No. 9 and wanted
a road through No. 7. off of
No. 8 50\$ worth, and off of No. 9
I bought 47\$ worth, I gave 10\$
more for the timber on No. 8
than it was worth in order
to get to have the timber of
No. 9 through lot No. 8.

Yes. It would.

9

App. They do not.

Ques. Has Mr Young & wife's financial condition,
or that of any of the heirs, anything to
do with the value of the respective lots
assigned them?

Ans. I think not.

Virginia, Lee County, to wit.

This day John W Lambert personally
appeared before me & made oath that
Dora Southern, B. E. Southern, Darius H.
Southern, Rebecca M Southern & Caladania
Lambert are nonresidents of Va.
Given under my hand. Nov 16th 1886.

Sworn to in due form before
me by John Lambert Nov. 16/1886

J. A. Hyatt cc

Laurent

Laurent

Laurent.

Laurent

Laurent

Laurent

November 27th 1886 Jonesville Va
Estillville Scott County
Virginia

Laurent Laurent Laurent

Laurent Laurent

* Mary Young formerly
Mary Lambert & James Young
her husband.

John Wesley Lambert, Peter A Southern &
Mariah E Southern his wife formerly
Mariah E Lambert ^{Pliffs vs} Peter Lambert,
Dora Southern, B. E. Southern, ^{Carroll} Lacey Southern
(not 21) (not 21) (not 21)
Rebecca M Southern, children & heirs at law of
Catharine Southern ^{(not 21) decd} formerly Catharine Lambert,
Caladonia Lambert, (Raymond's child) Julia A Lambert,
Nathaniel Southern & Rebecca his wife, formerly Re-
becca Lambert & R. B. Lambert, ^{& Mary Lambert, widow} & in chg.

All the Southern children are nonresidents
& Caladonia.

One tract, 150 A... On Hurricane
branch (head) 3 ms. S. W. Jonesville.
adjoining M. V. Wynn, J. N. Charles
& others.

John W. Lambert
vs $\frac{1}{2}$ Cours Report
 $\frac{2}{3}$

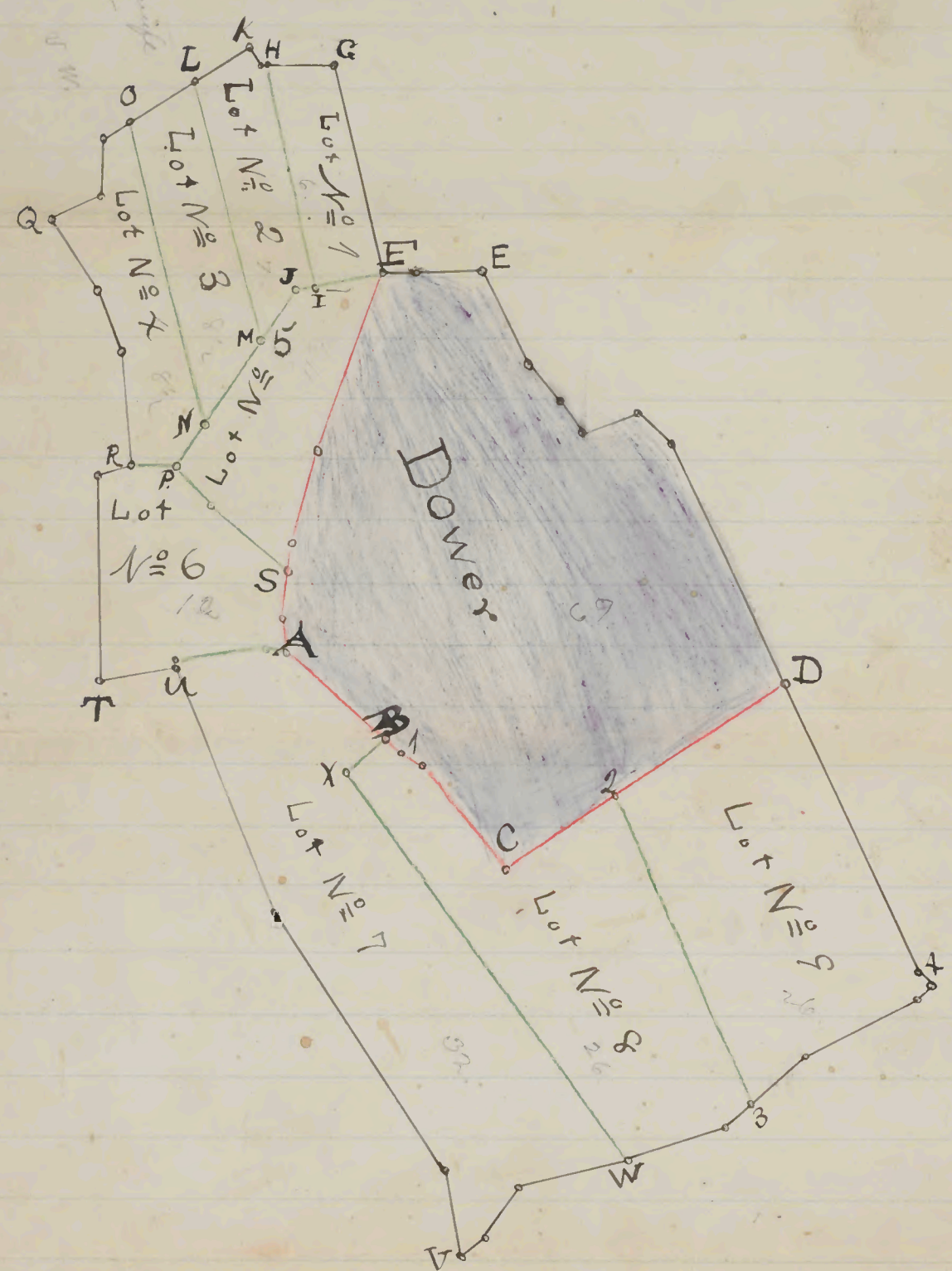
Peter Lambert

Filed March 23 '1888
J. A. Hyatt c.c.

Survivor	15.00	-
Broken	6.00	
Doggy	6.00	

Cours Fee	\$27.00
Chain Carrier	
Board Warner	4.00
Board Warner	4.00
	8.00
	<u>\$35.00</u>

John W. Lambert Plaintiff
vs
Peter Lambert Defendant } In Chy



Oursuant to an order of The Circuit Court of Lee Co. Va. dated Sept. 2 1887. We the undersigned Commissioners appointed to Partition the lands of John W. Lambert deed have executed said decree according to the following Plat & Report. We surveyed the entire lands and found them to contain about 208 acres -

We first laid off and assigned to Mary Lambert, widow of said John W. Lambert, that which we consider to be equal in rental value to one third of said land and bounded as follows to wit -

Beginning at (A) a small cedar S.W. of mansion house & in a hollow thence up said hollow with branch S 49 1/2 E 38.40 poles to (A) a stake in set branch & a few poles S.E. of spring house - S 59 E 6.18 poles to a stake S 41 E 29.60 poles to a (C) stake - thence leaving hollow N 55 1/2 E 8.5 poles to (D) a stake on original East line & with same & a fence N 26 W 65 3/4 poles to a sasafas. thence continuing with fence N 47 1/2 W 11.60 poles to a stake. S 67 1/2 W 16.40 poles to a stake N 36 W 9.60 poles to a stake N 41 1/2 W 12 poles to a stake N 27 W 26.30 poles with the top of a spur to a (E) stake - thence ~~thence~~ with a conditional line between this

55
6 + 50
119 + 50 = 169

and the lands of James Bowlin.
S $88\frac{1}{2}$ W 16.50 poles to a history. S 87 W 8.32 poles
to (F) a stake corner to the tract known as the Mar-
shal land. S $19\frac{1}{2}$ W 48.28 poles S 15 W 23.80 poles
S $5\frac{1}{2}$ W 19.32 poles S $5\frac{1}{2}$ E 8.42 poles to (A) the Beginning
Embracing mansion house Orchard, garden, out
buildings and containing 69 acres be the same
more or less—

Having due regard to quantity, quality, water, ways
&c we divided the residue into what we consider to be nine
equal parts or shares

we have laid off and assigned to the heirs
at law of Catharine Southern decd. viz Rebecca
M. Southern. Dora Southern. B. E.
Southern and Dorcas Southern. Lot
N^o 1. and bounded as follows Beginning
at (F) a stake corner to the Dover. Thence with
original line N 14 W 53 poles to a stake West $72\frac{1}{2}$ poles
to (H) a stake S $14^{\circ}23'$ E 55 poles to (I) a stake N 78 E
 $17\frac{1}{2}$ poles to (F) the Beginning. Containing 6
acres be the same more or less.

We have laid off and assigned to Peter Sam-
bert Lot N^o 2. Beginning at (I) a stake
thence thence N 78 E 4.40 poles to (I) a stake cor-
ner to Lot N^o 1. and with a line thereof N $14^{\circ}23'$
W 55 poles to (H) a stake West 0.68 poles to a stake

N 23 W 4.50 poles to (K) a stake at a fence corner to M. V. Wynns Land and with a line thence along a line fence S 56 1/2 W 17 poles to a stake at (L) S 14 1/2 E 69 poles to (M) a stake N 88 1/2 E 17 poles to (J) the beginning. Containing 7 acres be the same more or less.

We have laid off an assigned to Mary Young wife of Jas. N. Young Lot No 3 and bounded as follows to wit Beginning at (M) a corner to lot No 2 thence S 33 1/4 W 24 poles to (N) a stake N 14 W 80 poles to (O) a stake on line of M. V. Wynns & with same N 56 1/2 E 18 poles to (K) a stake corner to lot No 2 & with a line of the same S 14 1/2 E 69 poles to (M) a stake, the beginning. Containing 8 1/2 Acres be the same more or less.

We have laid off and assigned to M. V. Wynns Assignee of Mariah Lenthain Lot No 4 which is bounded as follows Beginning at (P) a small white oak & red-bud on top of a high point N 33 1/4 E 12 poles to (N) corner to Lot No 3 and with a line of the same N 14 W 80 poles to (O) a stake on said Wynns and with said line S 56 1/2 W 7.70 poles to a sugartree & hickory (both gone) original corner - S 2 1/2 W 14 poles to a stake in a field

S 64 $\frac{1}{2}$ W 14 $\frac{1}{2}$ poles to (Q) a stake in a hollow Thence
up said hollow S 35 $\frac{3}{4}$ E 21.60 poles to an apple
tree S 21 $\frac{3}{4}$ E 16.86 poles to two elms S 4 $\frac{1}{2}$ E
28.80 poles to (R) a stake by a chestnut oak on
top of a ridge Thence N 89 E 11.20 poles to (C) the
beginning Containing 8 $\frac{1}{2}$ Acres

We have laid off and assigned to Cal-
donia Lambert, daughter of Wayman Lambert
decd. Lot N $^{\circ}$ 5 and bounded as follows
to wit Beginning at (F) a stake corner to
lot N $^{\circ}$ 1 Thence S 78 W 24.90 poles to (D) a Locust
S 33 $\frac{3}{4}$ W 53 poles to (C) corner to lot 4 a white oak & red
bud on top of a high spur S 42 E 13.28 poles
to a chestnut oak (clearing on top of a spur) S 47 E 28.
poles to (S) a stake on the lower line, and
with same. N 6 $\frac{1}{2}$ E 7.64 poles N 15 E 23.80 poles
N 19 $\frac{1}{2}$ E 48.28 poles to (F) the Beginning -
Containing 11 $\frac{3}{4}$ Acres be the same now or
left - We assign to this lot the privilege of obtaining
water for household use, at the spring situated on the
lower lands -

We have laid off and assigned to R. B. Lam-
bert Lot N $^{\circ}$ 6 and bounded as follows -

Beginning at (P) a white oak & red bud on
top of a high hill corner N $^{\circ}$ 68 4. S 89 W 11.20
poles to (R) a stake near a chestnut oak S 73 $\frac{1}{2}$ W
8.94 poles to a black oak & hickory oak down an
old corner Thence with old line (N. Charles)
S 2 E 57 poles to (T) a stake in a lane N 80 E

19.84 poles to (U) a sugar tree on the south side
of a branch N 23 E 0.40 poles to a stake in said
branch and up the same N 83 E 22.20 poles
to a stake S 52 E 4.66 poles to (A) the begin-
ning of the lower and with line Thence
of N 5 $\frac{1}{2}$ W 8.42 poles to a stake N 6 $\frac{1}{2}$ E 11.64
poles to (S) a stake corner to lot N $^{\circ}$ 5 and
with line Thence N 47 W 28.2 poles to che-
nut nearly on top of a spur N 42 W 13.28
poles to (P) the beginning. Containing
Acres 12 be the same now or left - we assign
to this lot the privilege of obtaining water for household
purposes at the spring situated on the lower lands

We have laid off and assigned to Rebecca
Southern, wife of Nathaniel Southern, Lot
N $^{\circ}$ 7 which is bounded as follows

Beginning at (U) a sugar tree on the south
side of a branch, corner to Lot N $^{\circ}$ 6 Thence with
Charles line S 23 E 66.60 poles to a black
oak on top of a hill - S 84 $\frac{1}{4}$ E 76.80 poles
to a red oak stump (a black oak marked as
a pointer S 10 $\frac{1}{2}$ E 22.50 poles on top of Vol-
lins ridge (at V) thence with the top of said
ridge N 50 E 8 poles N 32 E 15.60 poles N 76 E
28 poles to (W) a stake thence leaving the
top of ridge N 37 W 117 poles to (X) a stake
at an old fence N 46 E 14.25 poles to (B) a
stake in the branch and on the (lower line)
and with same N 49 $\frac{1}{2}$ W 32.92 poles to
(A) a cedar corner to lot N $^{\circ}$ 6 Thence with line
of same N 52 W 4.66 to a stake near a branch

thence down and with road S83W2220
poles to a stake in branch S23E0.40 poles
to (1) the beginning = Containing
32 acres be the same more or less
we assign to this lot the privilege of obtaining water
for household purposes, at the spring situated on the
Lower Bonds

We have laid off and assigned Julia
A. Sheets, formerly Lambert, Lot No 8 which
is bounded as follows Beginning at (B)
corner to Lot No 7 thence with line of Lower
rip a hollow S49½E 5.48 poles to (1) a stake
S59E 6.18 poles to a stake S41E 29.60 poles to
(2) a stake N55½E 35 poles to (2) a stake S26E
80 poles to (3) a stake on top of Wallins ridge
thence with the same S48W 8½ poles to a stake
S41W 26.76 poles to (W) a stake corner to Lot
No 7 & with lines of same N37W 117 poles
to (X) a stake N46E 14.25 poles to (B) the be-
ginning Containing 26 acres be the
same more or less

We have laid off and assigned to John
W Lambert Lot No 9 bounded as follows
Beginning at (4) a chestnut oak & gum on top
of Wallins ridge (original corner) thence
with an old marked line N26W 80 poles
to (D) a stake & corner to the Lower and with a
line thereof S55½W 50 poles to (2) a stake corner
to Lot No 8 and with a line thereof S26E

85 poles ^{to (3) a stake} on top of Wallins ridge and with the top of said ridge N 48 E 26.50 poles N 61 E 81.7 poles N 47 E 4.84 poles to a chestnut oak & 2 Chestnuts thence N 56 E W 4.50 poles to (4) the beginning Containing 26 Acres be the same more or less. We assign to this Lot the privilege of using a passway or lane to the Cave spring on Lot No 8. Provided the owner of Lot No 9. bears the expenses of building & repairing fence to said water - and said lane to be made around the northern side or end of the Lot or field in which now stands the house occupied by said Julia A. Sheets. But nevertheless the owners of said Lot No 9 may have the privilege of carrying water for family use from the nearest spring on Lot No 8.

We thought it not advisable to make partitions of the Dower at the present, but agree to do so if the Court deems it best.

All of which is most Respectfully submitted
 this the 1st of December 1887
 L. M. Carrical
 H. C. Joslyn
 Jas B. Bowling } Commissioners

John W. Lambert & al Defts.

Peter Lambert & al Defts.

The defendants James N. Young and Mary Young his wife now come into court and except to the report of partition made by I. M. Carrascal H. C. Joslyn of as. B. Balin filed in the case March 20/88

First Because said Comrs have not given the female exceptor her due and equal proportion of the tract of land in the bill mentioned quantity quality &c. as recorded.

Secondly - Because said tract of land is well timbered and by the partition made by said Commissioners they have not assigned one stick of timber to lot No. 3 which they have allotted to the female exceptor.

Third The farm partitioned, has water thereon, and by the said partition, not a drop of water is owing and to lot No. 3 nor has the owner ^{thereof} been granted by the said Commissioners the right or privilege of using water from the spring on said farm nor have they been granted the right of way to any water thereon.

Fourth - Because said Commissioners have not allowed the female exceptor the right or privilege of passing through or over the land of others ^{her co. parceners} in order to reach and use said lot No. 3 so as to make it worth any thing to these exceptors.

For these and other reasons to be assigned at bar, these exceptors pray that said report of partition be quashed & a new partition ordered.

James H. Young
Mary Young by
Counsel.

I do solemnly swear that I truly believe that
the ~~the~~ statements made in the foregoing exceptions
are true, so help me god.

Swear to before me by J. H. Young
Counsel.

April 1858.

James H. Young or wife

or. } Exceptions

John W. Young Counsel

Mr John W. Lambert, Peter A. Southern & Mariah L Southern

You will take notice that at the clerk's office of the
Circuit Court of Lee County on the 23rd day of Augt 1888
we will proceed to take the depositions of Jas Blakemore
Jacob Glass, Robert Mink Ben Drury & others - -
which when taken, are intended to be read as evidence
on our behalf, in a certain chancery suit now pending
in the circuit Court of Lee County in which you are
plaintiffs and we and others are defendants and if
said depositions are not completed on that day the
taking thereof will be continued from day to day till
completed. Augt 15/1888 Truly yours

James N. Gann
Mary Gann

James N. Young & wife

ad. { Netie

John W. Lambert & son

Mr John W Lambert Peter A. Southern & Marshall L. Southern

You will take notice that at the clerks office of the Circuit Court of Lee County on the 23rd day of Augt 1888 We will proceed to take the depositions of Jas Beckham Jacob Glass Robert Mink Ben Derry & others which when taken are intended to be used as evidence on our behalf in a certain chancery ~~suit~~ ^{suit} now pending in the Circuit Court of Lee County in which you are plaintiffs and we and others are defendants. & if said depositions are not completed on that day, the taking thereof will be continued from day to day till completed August the 15th 1888

Truly Yours

James N. Young,

Mary Young

For Peter Southern & wife

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING,

WE COMMAND YOU, to summon

Peter Lambert, James Young,
& Mary Young, his wife, formerly Mary Lambert, & son Southern
B. G. Southern, Darch H. Southern, Rebecca M. Southern, Isabella
Lambert, Julia A. Lambert, Nathaniel Southern & Rebecca Southern
his wife, formerly Rebecca Lambert, R. B. Lambert & Mary Lambert

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first

Monday December next, being Rule Day, to answer a Bill in Chancery exhibited in our

Court against them, by John W. Lambert & Peter

A. Southern and Mariah E. Southern
his wife formerly Mariah E. Lambert

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the

Court House, this 23rd day of November 1884, in the 11th year of the Commonwealth.

A COPY--TESTE:

J. A. G. Hyatt Clerk.

John W. Lambert et al

vs ³ Spain & Co

Peter Lambert et al

To Dear Rules 1886

Did not leave
the office.

J. S. H. Co

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon

13
3
8
Peter Lambert James Young &
Mary Young his wife formerly Mary Lambert Doris Southern B. C.
Southern, Marcus A. Southern, Rebecca W. Southern, Caladoud Lambert
Julia A. Lambert Nathaniel Southern & Rebecca Southern his wife
formerly Rebecca Lambert, R. B. Lambert & Mary Lambert

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first
Monday February next, being Rule Day, to answer a Bill in Chancery exhibited in our
Court against them, by John W. Lambert and

Peter A. Southern & Mariab. C. Southern his
wife formerly Mariab. C. Lamberts.

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the
Court House, this 29th day of December, 1836, in the 11-year of the Commonwealth.

A COPY--TESTE:

J. A. G. Hyatt Clerk.

102 + 40

John W. Lambert et al

No 3. Spain chcy

Peter Lambert et al

Lo February Rules 1887

Expended by delivering
Office copies of this Spa
to Peter Lambert, James Young
William Young, his wife
Mary Lambert, Julia
A Lambert Nathaniel
Southern, Rebecca Southern
and R. B. Lambert

Feb 1887. St. Louis D.B.
for R. D. Flanagan & Co
clerk \$1.68

\$

4.00

5.68